

Township of Marlboro

Zoning Board of Adjustment

MINUTES

ZONING BOARD OF ADJUSTMENT

APRIL 1, 2008

REGULAR MEETING

SALUTE TO FLAG

SUNSHINE LAW READ

ROLL CALL

PRESENT: Glenn Malysz, Michael Fishman, Robert Knight, Michael Mahon,
Steven Pitchon, Adrienne Spota, Matthew Weilheimer, Lewis Wildman

ALSO PRESENT: Michael Steib, Esq. Board Attorney
Sarah Paris, Administrative Officer
David Thesing, Engineer

ABSENT: Joseph Sparacio

The Board accepted the minutes of March 18, 2008.

Offered: Michael Fishman

Ayes: 7

Absent: 0

Second: Michael Mahon

Nays: 0

Abstain: 0

No Citizens Voice.

ZB 07-6291 – Retamozo, Romulo

Continuation of a Public Hearing for an approval to construct a two story addition, front porch and deck to an existing house on an undersized lot located at 575 Route 520, Block 214, Lot 17 in the LC zone.

Kenneth L. Pape, Esq., Heilbrunn Pape & Goldstein, 516 State Route 33, Suite 101, Millstone Township, NJ stated he has been retained to represent Romulo Retamozo regarding the above property. Mr. Pape requested an adjournment because the septic system must be confirmed in order to build an addition. Extension granted. Mr. Pape signed an extension of time form, carrying this case to June 3, 2008. No further notice is required.

ZB 07-6314 – Bonura, Dominick J.

Continuation of a Public hearing for an approval to construct an addition to existing home on an undersized lot with excessive lot coverage, insufficient lot area, frontage, width, depth and setbacks, located at 122 Dutch Lane Road, Block 363.01, Lot 4 in the R-80 zone.

Mr. Dominick Bonura wrote a letter requesting to reschedule as his Engineer and survey were not ready. Mr. Bonura requested his hearing be carried. Mr. Malysz set the date for June 3, 2008. No further notice is required.

ZB 06-6262- Mannion Manor

Request for an Extension of Time of John Croddick, Croddick Real Estate Holdings, LLC, also known as Manion Manor, 63 Buckley Road, Marlboro, NJ, Block 417, and Lot 7. Said property is located in the R-80 zone. Applicant received a preliminary major subdivision approval for three residential building lots.

Mr. Gerald Sonnenblick, Esq., Sonnenblick, Parker & Selvers, 4400 Route 9 South, Freehold, NJ 07728 replaced Mr. Warren, Esq. due to illness. Mr. Sonnenblick introduced John J. Ploskonka, P.E. as the new Engineer.

Mr. Ploskonka, P.E., Concept Engineering Consultants, 116 North Broadway, South Amboy, NJ is sworn in.

The Board recognized Mr. Ploskonka's professional credentials.

Mr. Ploskonka acknowledged the memorialization of a variance for density and bulk variance was granted February 20, 2007. This application has expired due to a one year limit on use variance approvals. Mr. Malysz asked Mr. Steib to explain whether a one year extension is required. Mr. Steib said in Marlboro the length of time is one year, for a use variance, however, the State allows a total of five years for subdivisions.

Mr. Fishman asked why they waited two months before coming before the Board. Mr. Sonnenblick said the zone did not change, nothing has changed. Only the density is questioned. Mr. Fishman stated that a number of things have changed and Mr. Malysz asked whether things have changed since the February 27, 2007 approval. Mr. Ploskonka said the zoning has not changed and the permitted use allows for the single family houses. The D5 density 1/100 on the density is due to the

road widening. We are taking a non conforming use and making it a conforming use. There was a cardboard recycling company on this site for many years. This is no longer going on, nor was it when the Board visited the site.

Workshop

The following agreed that they would not be in favor of an extension of time: Matthew Weilheinmer, Michael Fishman, and Steve Pitchon. Lewis Wildman, Robert Knight, Adrienne Spota, Michael Mahon, and Glenn Malysz voted to approve a one year extension of time from February 20, 20007. Traffic studies indicate a concern and a single family house would definitely have less impact than the cardboard recycling operation.

Out of Workshop

A resolution was proposed granting a one year extension of time.

Offered by: Glenn Malysz
Ayes: 5

Seconded by: Michael Mahon
Nays: 2 (M Fishman & M Weilheimer)

An extension of time of one year granted from February 27, 2007.

ZB 08-6318 – DeLevi, Vladimir

Petition of Vladimir DeLevi respectfully shows applicant is owner of property known as 17 Hawkins Corner Road, Morganville, Block 282, Lot 6. Said property is located in the R-60 Residential zone.

The application was read into the record. The Board took jurisdiction. The following evidence was entered:

- A – 1 Petition on Appeal
- A – 2 Denial by Zoning Officer
- A – 3 Indemnification and Hold Harmless Agreement
- A – 4 Disclosure Statement
- A – 5 W 9
- A – 6 Tax Collector's Certification
- A – 7 Notice To Adjoining Property Owners
- A – 8 Adjacent Property Listing
- A – 9 Certified White Receipts and Green Cards
- A – 10 Affidavit of Service
- A – 11 Affidavit of Publication
- A – 12 Resolution PB 903-04 granting a minor sub-division to modify lot line
- A - 13 Resolution ZB 05-6208 Denying Approval to Construct a Single Family Dwelling
- A - 14 Variance Application and Plot Plan by Sailer & Watson dated 8/20/07 (sheet 1 of 1)
- A - 15 Reduced elevation and floor plan (3 Pages)
- A - 16 Conflict & Contribution Disclosure Statements
- A - 17 Engineering Report from Gravatt Consulting Group, prepared by David Thesing, dated February 13, 2008
- A - 18 Affirmation of Local Pay To Play Ordinance dated 2/5/08

- A – 19 Received Survey dated 11/23/03 from Main Street Surveying sent through Ken Pape, of Heilbrunn Pape & Goldstein.
 - A – 20 Receipt of Western Monmouth Utilities Authority regarding availability of water service for Block 282, Lot 6.
 - A – 21 Easement of record affecting property in Book 825, Page 5, and Book 836, Page 244 in the Monmouth County Hall of Records.
 - A – 22 Aerial exhibit from Sailer & Watson for variance application and plot plan submitted by Robert P. Freud, P.E., P.P., dated April 1, 2008 for Block 282, Lot 6.
 - A – 23 Enlarged color exhibit variance application and plot plan submitted by Robert P. Freud, P.E., P.P. Sailer & Watson date April 1, 2008.
 - A – 24 Sailer & Watson drawing referencing boundary and topographic survey prepared by Main Street Associates, Freehold, NJ and dated 8/21/07. The map also exhibits drywell detail and residential driveway pavement detail. Opposite side is artist's rendition of house.
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- P – 1 Map showing final construction plans for Eastwood Estates, prepared by Concept Engineering Consultants, P.A. showing
 - P – 2 A1 – B2J Pictures demonstrating flooding conditions of Mr. Louis Pannone's property at 48 Eastwood Blvd, Manalapan, NJ 07726
 - P – 3 Chart entered by Mr. Pannone explaining difference from denial by Zoning Board (March 2006) and the current application with differences highlighted in red.

In 2005 the Zoning Board of Adjustment denied a similar application to build a single family dwelling on this lot. Mr. Pape stated there are three bulk variances needed to build one single family dwelling. Application is different now. The house and driveway are different. Water service is available, MTMUA and sanitary sewers available, WMUA. The water has been tested. County Planning Board issued a March 26, 2008 Exemption letter. The NJDEP said there are no wetlands on the site. There is a 1908 survey for NY/NJ Telephone Easement; this is the utility easement.

All properties behind the site are located in another township. One lot owner agreed to convey a twenty foot underground utility easement.

Robert Freud, P.E., Sailer & Watson, 520 Westfield Avenue, Suite 303, Elizabeth, NJ 07208, sworn and accepted as an expert witness.

Mr. Freud discussed the aerial exhibit of variance application of block 282, Lot 6 and color rendering of plot plan. The lot has mostly small trees. The single family dwelling will have a circular driveway with three car garage. Grading and draining systems will be developed. There will be two points of access to Hawkins Corner with raising the front to drain toward Hawkins Corner Road. Leaders will lead into dry wells. Impervious lot coverage proposed is 5%, where 15% is permitted.

Mr. Thesing asked whether the applicant went before Board for a right-of-way dedication, or if he spoke with the Township Engineer regarding dedication. Mr. Thesing's Report recommended a conservation easement and Mr. Pape agreed to the request.

Adrienne Spota asked if they agreed to a smaller house and if the purchaser aware of past application to the Board? Mr. Pape stated that Mr. DeLevi was an informed purchaser, and that he looked at over 2200 plans and chose the two story house which he wants to use for investment purposes.

Public was asked to comment.

Mr. Louis Pannone resides at 48 Eastwood Blvd, Manalapan, NJ. His residence is behind the applicant's lot. He states the design is such that it will improve the situation on the applicant's property but, the run off will continue to drain toward his property. Mr. Pannone asked if there was permission to have excavated material deposited on lot. He also stated the property was purchased for \$15,000.

Ms. Patricia Korabiak, Crine Road, Wickatunk, NJ questions that the LOI was from 2005, with an end date of 2010. Is there a wetland buffer or any adjacent buffers which will impact the site? There is a catch basin on adjacent property. Ms. Korabiak states there are new stormwater regulations from 2006—do you have to update? Would you consider a POD system. She believes the runoff will seriously impact neighbor.

Mr. Thesing said a single family dwelling does not need to meet wetland DEP requirements. And the LOI is still good.

Mr. Daniel Matarese, 485 Texas Road, Marlboro asked if the smaller piece was related to the development in Manalapan. The answer can be found in the Resolutions. Mr. Fishman said there was previous testimony that the land could be included in a Manalapan subdivision. Mr. Pape said that in 1982 Manalapan did not ask Marlboro to include the land. Fifteen years later, the applicant asked to go to Manalapan for a Tax Assessor's Agreement. The property was originally in Marlboro.

Alison Coffin, 901 West Park Avenue, Ocean, NJ, sworn in and accepted as an expert witness.

Ms. Coffin reviewed the Master Plan and the property is an R-60 residential, with a single family dwelling permitted. It is non-conforming in depth and needs three variance for the front, side and rear yards. The hardship variance is needed due to the unique shape and the variances can also be granted with the twenty feet conveyed. This lot is exceptionally shallow as show in the new exhibit entered. It also shows the building envelope which would allow such a small first floor requiring a variance.

Ms. Coffin states if the easement is granted it would improve the property with no detriment to the public.

Mr. Pape states the applicant has fulfilled all requests to the proper agencies: Stormwater modified and the building stepped. A commitment regarding the purchase of the twenty feet has

also been secured. He believes the triangle should be kept as a conservation easement and respectfully request the board approve.

Public Comments:

Louis Pannone, 48 Eastwood Road, Manalapan, NJ. Mr. Pannone states he will be directly affected and submits an exhibit showing site plan of Eastwood Estates. Mr. Pannone also submitted ten photos exhibiting what happens during rain events. Mr. Panone believes the runoff will increase and any additional structures will further increase runoff. He also notes in another exhibit where variances were previously rejected in 2006.

Ms. Korabiak asks if a retention basin be considered in the triangle area. The answer was that this is a single family dwelling which is not subject to this.

Mr. Pape asked Mr. Freud if he is able to design stormwater runoff systems. Mr. Freud answered "yes".

Mr. Daniel Matarese, 485 Texas Road, Marlboro sworn in. States storm sewer is on opposite side of Hawkins Road. Inquires if runoff will be to other properties. Mr. Pape said they have identified collection system in the roadway. Mr. Matarese believes the water will cross the road, pond and go north of Hawkins. Mr. Freud say there will be 400 cubic foot of water in this reduction.

Out of Workshop

Offered by: Glenn Malysz

Seconded by: Robert Knight

Steven Pitchon sees no change since the last application. Matthew Weilhimer, and Lewis Wildman agree the presentation is good. Both Lewis Wildman and Robert Knight state the house should be smaller. Adrienne Spota believes there is not enough change. Michael Fishman states the owner knew of this financial risk. Mr. Malysz also says the argument and presentation was a great job, but cannot see a difference from the original denial. Taking twenty feet from someone else does not help the situation.

Workshop

Motion to Deny

Offered by: Glen Malysz

Seconded by: Michael Fishman

Ayes: 5

Nays: 2

Absent: 0

Abstain: 0

Motion Carried.

MEMORIALIZATION

ZB 07-6311 – Ayyala, Krishna & Laxmi

Memorialization of a Resolution granting approval to construct a 20' x 16' addition for a sunroom with an insufficient rear yard setback for principal structure, located at 47 Cape May Drive, Block 206.01, Lot 46 in the R-1.5 zone.

Offered by: Michael Mahon
Ayes: 7

Seconded by: Michael Fishman
Nays: 0

Motion granted.

Public Comment:

There were no questions from the public.

Hearing is adjourned at 10:30 p.m. by Robert Knight and seconded by Michael Mahon.

Respectfully,

Yvonne M. Cautillo